

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIE HUGH WALKER, JR.,

Plaintiff,

v.

UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. C03-1418L

ORDER DENYING MOTION TO  
ALTER OR AMEND JUDGMENT

On March 15, 2005, plaintiff filed his "Motion for Reconsideration." (Dkt. #38). The Court denied the motion for reconsideration and relief from judgment under Federal Rule of Civil Procedure 60(b)(3). Plaintiff now brings a "Motion to Alter or Amend this Court's Judgment."


Plaintiff brings his motion pursuant to Federal Rule of Civil Procedure 59(e). That rule, however, requires that a motion to amend or alter judgment must be filed "no later than 10 days after entry of the judgment." Judgment was entered in this case on April 28, 2004; plaintiff's motion is therefore untimely.

Plaintiff also argues that relief from judgment is appropriate under Federal Rule of Civil Procedure 60(b)(5), which provides that a court may relieve a party from a final judgment or order if "the judgment has been satisfied, released, or discharged, or a prior judgment upon

1 which it is based has been reversed or otherwise vacated, or it is no longer equitable that the  
2 judgment should have prospective application.” Neither plaintiff’s current motion nor his March  
3 15, 2005 Motion for Reconsideration sets forth a basis for relief from judgment based on Rule  
4 60(b)(5).

5 Accordingly, the Court DENIES plaintiff’s motion to alter or amend the judgment (Dkt.  
6 #40).

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8 DATED this 26th day of April, 2005.

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11 Robert S. Lasnik  
12 United States District Judge  
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